A.O. No. 207 of 2004

Hon. P.C. Verma, J.
Hon. B.S. Verma, J.

For orders see our order of date passed in A.O. No. 206 of 2004.

(P.C. Verma, J.) **(B.S. Verma, J.)**

Dt. 23.08.04

Review Application No. 6125/2004
in
A.O. No. 207 of 2004

Hon. P.C. Verma, J.
Hon. B.S. Verma, J.

This is a Review Application against the judgment and order dated 23.8.2004 passed by this Court in A.O. No.207 of 2004. Learned counsel for the appellant Sri Bhupender Singh argued that in reference of the appeal, specific ground was taken that it was a case of contributory negligence of both the Drivers of Tractor and Jeep but this Court has remanded the case affirming the finding recorded by the Tribunal.

We have remanded the case for retrial. The learned counsel for the appellant submits that since there was direct collision between the Jeep and Tractor, therefore, the owner of the Tractor cannot be held liable alone. The evidence on record is that it was a direct collision. From the perusal of the record it appears that no issue was framed on the contributory negligence.

Since, we have remanded the matter, therefore, we provide that the tribunal may also re-examine the issue of contributory negligence. Subject to above, the review application is disposed of.

(P.C. Verma, J.) **(B.S. Verma, J.)**

28.10.2004
S.K. Sharma